CHAPTER 116.

An Act respecting Highways and the Traffic thereon.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of British Columbia, enacts as follows:—

Preliminary.

Short title.

1. This Act may be cited as the "Highway Act." 1930, c. 24, s. 1.

Interpretation.

2. In this Act, unless the context otherwise requires:—

"Highway" includes all public streets, roads, ways, trails, lanes, bridges, trestles, ferry landings and approaches, and any other public way:

"Land" includes all lands of every tenure and description whatsoever, including foreshore and lands covered with water, within the Province, and including lands granted by the Dominion to any person:

"Minister" means the Minister of Public Works. 1930, c. 24, s. 2.

Division of Act into parts.

3. This Act is divided into five parts, relating to the following subjects:—

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1930, c. 24, s. 3 (*altered*).

PART I.

ESTABLISHMENT AND CONTROL OF HIGHWAYS.

Roads deemed public highways.

4. All roads, other than private roads, shall be deemed common and public highways. 1930, c. 24, s. 4.

Highways vested in His Majesty.

5. Unless otherwise provided for, the soil and freehold of every public highway shall be vested in His Majesty, his heirs and successors. 1930, c. 24, s. 5.

Roads on which public money expended declared to be public highways.

6. All travelled roads existing on the first day of April, 1930, not theretofore established by notice in the Gazette, or otherwise dedicated to the public use by a plan deposited in the Land Registry Office for the district in which the roads are situate respectively, on any portion of which public money has been expended, shall be deemed and are hereby declared to be public highways. 1930, c. 24, s. 6.

Power to widen highways so declared.

7. Any public highway declared to be a public highway by section 6 which has not a width of at least thirty-three feet on each side of the mean centre line of the travelled road may be enlarged to that width when deemed necessary by the Minister. 1930, c. 24, s. 7.

Power of Minister to establish and alter highways.

8. (1.) It shall be lawful for the Minister, in his absolute discretion, to make public highways of any width not exceeding one hundred feet, and to vary and alter any existing roads, and to take, either at the time the highway is first made or declared or at any subsequent time, at any point additional land beyond the width of one hundred feet where necessary to secure the efficient construction, maintenance, or use of the highway, and to declare the same by a notice in the Gazette, setting forth the direction and extent of such highway; and for such purpose, by himself, his agents, and workmen, without any notice to and without any consent on the part of any person owning or occupying the land, or having or claiming any estate, right, title, or interest therein, to enter upon, set out, ascertain, and take possession of any private roads and any lands in the Province, and any timber thereon; and also in the like discretion to enter upon any land for the purpose of erecting, maintaining, and removing snow-fences, or cutting any drains that may be thought necessary, or for the purpose of taking therefrom any gravel, timber, stone, and other materials required for the construction or maintenance of any highway.

(2.) The Minister may by notice in the Gazette amend any notice given by him pursuant to subsection (1) for the purpose of correcting any error or supplying any omission therein.

(3.) The Minister may by notice in the Gazette give a name to or change the name of any highway in unorganized territory. Where the notice changes the name of a highway, a certified copy of the notice shall be transmitted by the Minister to the Registrar of the land registration district in which the highway is situate, and the Registrar shall thereupon note the change of name on any subdivision plan in his office whereby the highway was dedicated,

and upon any plan in his office whereon the highway is named or referred to. 1930, c. 24, s. 8; 1931, c. 29, s. 2; 1935, c. 31, s. 2.

Effect of entry.

9. The entry by the Minister, his agents, servants, or workmen, as in the last preceding section mentioned, for the purpose of taking possession of any roads or lands shall operate as a complete extinguishment of every title and claim to the roads or lands so entered upon and taken possession of. 1930, c. 24, s. 9.

Power to construct and keep highways open.

10. The Minister may construct, keep open, and maintain a highway across any lands taken under the powers conferred by this Act; and no person shall, upon any pretext or claim whatsoever, hinder, delay, or obstruct the construction, keeping open, and maintenance of any such highway. 1930, c. 24, s. 10.

Power to close highways.

11. (1.) The Minister may at any time, by notice published in the Gazette, in such form and containing such particulars as he may determine, discontinue and close in whole or in part any highway the maintenance of which is not considered necessary in the public interest, whereupon that highway or the part thereof so discontinued and closed shall cease to be a public highway. The land comprised in any highway which has been discontinued and closed may, under the authority of the Lieutenant-Governor in Council, be transferred to, and shall thereafter become the property of, the owner of the land of which it originally formed part, or the owner of the land adjoining the land so transferred, or may be leased by the Minister to either of those owners, or may be sold, leased, or disposed of by public auction or by tender under the authority of the Lieutenant-Governor in Council. The proceeds of all sales, leases, and dispositions made under this section shall be accounted for as part of the Consolidated Revenue Fund.

Notice of intention to close highway.

(2.) Where the highway or part thereof intended to be discontinued and closed pursuant to subsection (1) is in actual use by any person as a highway, the Minister shall, prior to the publication of the notice in the Gazette, give public notice of his intention so to discontinue and close the same, by notice published by one insertion each week for four consecutive weeks in a newspaper published in the Province and circulating in the locality in which the highway or part thereof is situate. 1930, c. 24, s. 11; 1931, c. 29, s. 3; 1935, c. 31, s. 3.

Provisions as to fencing and draining.

12. Where, by reason of the taking of any lands and the construction of a highway thereon under the provisions of this Act, and by reason of the disturbance of any existing fences, ditches, or culverts, or by reason of any diversion of water owing to the construction of any such highway, it is necessary to make and provide any fences, ditches, or culverts, such fences, ditches, and culverts, as the case may be, shall be made and provided as part

of, and the cost thereof shall be included as part of, the cost of the construction of the highway; but any ditches or culverts so constructed on adjacent lands and any fences constructed under this section shall thereafter be maintained and repaired by the respective land-owners along whose land or in connection with whose land they are constructed, except where by reason of undue hardship to the land-owner in any case other provision is made by Order of the Lieutenant-Governor in Council. 1930, c. 24, s. 12.

Conveyance of water across highway.

13. Where the owner or occupier of any land is desirous of conveying water across or along a public highway by means of a pipe, ditch, or flume, such works must be constructed to the satisfaction of the Minister. 1930, c. 24, s. 13.

Powers of Minister respecting unsafe structures on highways.

14. Where any structure, that is to say, any ditch, flume, pipe, pole-line, wire, cable, skid-road, or other erection or structure exists or is constructed, erected, or maintained across, along, or through any highway in unorganized territory or any arterial or primary highway (within the meaning of section 39) in a municipality, and where the Minister is of opinion that the structure is unsafe and that it is necessary or advisable for the protection of the highway or the safety of persons using the highway that the structure be repaired, altered, renewed, or removed, and if the Minister by notice in writing affixed to or posted up in the vicinity of the structure or served on the person by whom the structure was constructed or erected, or is maintained, requires the repair, alteration, renewal, or removal of the structure, then, notwithstanding the provisions of any public or private Act or any consent by or under which the structure was so constructed or erected or is maintained, the Minister, unless the structure is forthwith repaired, altered, renewed, or removed to his satisfaction, may cause the structure to be so repaired, altered, renewed, or removed, and may recover the cost of the repair, alteration, renewal, or removal from the person by whom the structure was constructed, erected, or maintained; and the Minister shall not by reason of anything done under this section incur any liability for loss or damage resulting from the repair, alteration, renewal, or removal of the structure. 1930, c. 24, s. 14.

Application for establishment of public highway.

15. Every person desirous of having a public highway established shall give thirty days' notice of his intention to apply to the Minister to establish such public highway, by an advertisement published, at his own expense, in the Gazette and in a newspaper published or circulating in the district wherein such applicant desires to have the highway established; but nothing in this section shall be construed as affecting the right of the

Minister to make and declare highways under the provisions of section 8. 1930, c. 24, s. 15.

16. (1.) Compensation shall be paid in respect of lands entered upon and taken possession of under this Part for the following matters only:— Compensation for lands taken.

(*a.*) Improvements on the lands so taken, that is to say, everything constructed on or annexed to the soil by the hand of man, such as roads, buildings, structures, and fences, and improvements made by clearing, planting, grading, or cultivating the soil:

(*b.*) Lands which were originally granted to some person by the Crown, either in the right of the Province or the Dominion, and by the taking of which the total area taken for the purpose of highways from the lands comprised in the original Crown grant is found to exceed one-twentieth of the total area of the lands comprised in the Crown grant, and then only for the area in excess of one-twentieth of that total area; but, where the lands comprised in the Crown grant have been subdivided into parcels by any registered conveyance or plan of subdivision, the area of land which may be so taken from any parcel without the payment of compensation shall not exceed one-twentieth of the area of that parcel, and where lands are being taken from two or more of the parcels at the same time the total area to be so taken without the payment of compensation shall be apportioned among those parcels on the basis of their respective areas.

(2.) If the amount of compensation payable in any case under subsection (1) is not agreed upon, the amount may be appraised and awarded by arbitration, and for that purpose the provisions of the "Public Works Act" relating to arbitration shall mutatis mutandis apply. Arbitration.

(3.) In determining the compensation payable to any owner in respect of any land entered upon and taken possession of under this Part, there shall be taken into consideration the increased value, beyond the increased value common to all lands in the locality, that will be given to the remaining lands of the owner through which the highway will pass, by reason of the passage of the highway through the same or by reason of the construction of the highway or of works incidental thereto, and the increased value that will be so given shall be set off against the compensation otherwise payable to that owner under this section. Increased value of remaining lands a set-off against compensation.

(4.) Where in respect of gravel, sand, stone, timber, or other materials taken by the Crown for the construction, maintenance, or repair of any highway or bridge the provisions of any Statute Compensation for materials taken.

or the reservations contained in any Crown grant permit of the same being so taken without the payment of compensation, and where the same are taken from improved lands, the Minister may, notwithstanding the provisions or reservations aforesaid, pay reasonable compensation therefor; but the payment and amount of compensation shall be in the absolute discretion of the Minister. 1930, c. 24, s. 16; 1931, c. 29, s. 4.

Transfer of portions of highways.

17. The Lieutenant-Governor in Council may, under special circumstances, transfer or direct the issue of a lease to any person of any part of a highway vested in the Crown; but no transfer shall be made or direction be given under this section until the Minister has given thirty days' public notice of the intention to make the transfer or issue the lease, by notice published in one issue of a newspaper published in the Province and circulating in the locality in which the highway or part thereof is situate. 1935, c. 31, s. 4.

Penalty for contravention of Part.

18. Any person contravening or committing any breach of or committing any offence against any of the provisions of this Part, or refusing, omitting, or neglecting to fulfil, observe, carry out, or perform any duty or obligation by this Part created, prescribed, and imposed, shall be liable, on summary conviction, to a fine of not less than five dollars and not more than three hundred dollars. 1930, c. 24, s. 18.

PART II.

REGULATION OF TRAFFIC.

Rule of road for vehicles meeting.

19. In case a person travelling or being upon a highway in charge of a vehicle drawn by one or more horses or other animals, or propelled by some other means, meets another vehicle drawn or propelled as aforesaid, he shall seasonably turn out to the right from the centre of the travelled portion of the highway, allowing to the vehicle so met one-half of the travelled portion of the highway. 1930, c. 24, s. 19.

Rule at highway intersections.

20. The person in charge of a vehicle so drawn or propelled upon a highway when approaching and entering upon or crossing an intercommunicating highway shall keep to the right of the middle line of the first-mentioned highway. 1930, c. 24, s. 20.

Right of way at highway intersections.

21. The person in charge of a vehicle so drawn or propelled upon a highway shall have the right of way over the person in charge of another vehicle approaching from the left upon an intercommunicating highway, and shall give the right of way to the person in charge of another vehicle approaching from the

right upon an intercommunicating highway; but the provisions of this section shall not excuse any person from the exercise of proper care at all times. 1930, c. 24, s. 21.

Rule of road for rider or vehicle overtaken by another.

22. In case a person travelling or being upon a highway in charge of a vehicle so drawn or propelled, or on horseback, is overtaken by any vehicle or horseman travelling at a greater speed, the person so overtaken shall as soon as practicable turn out to the right and allow the overtaking vehicle or horseman to pass, and shall not increase the speed of his vehicle or horse until completely passed by the overtaking vehicle or horseman. 1930, c. 24, s. 22.

Rule of road for vehicle overtaking another.

23. In case a person travelling upon a highway in charge of a vehicle or upon horseback overtakes any vehicle or horseman, it shall be the duty of such person to turn out to the left; and if he finds it impracticable to turn out as aforesaid, he shall so regulate the speed of his vehicle or horse as to allow the overtaken vehicle or horseman to precede him to some point on the highway where such turning out to the left and a passing can safely be effected. 1930, c. 24, s. 23.

Stopping of vehicle where impracticable to turn out.

24. In the case of one vehicle being met or overtaken by another, if by reason of the extreme weight of the load on either of the vehicles so meeting or on the vehicle so overtaken the driver finds it impracticable to turn out as aforesaid, he shall immediately stop, and if necessary for the safety of the other vehicle, and if required so to do, he shall assist the person in charge thereof to pass without damage. 1930, c. 24, s. 24.

Horse-racing on highway prohibited.

25. No person shall race with or drive furiously any horse or other animal upon any highway. 1930, c. 24, s. 25.

Unlawful practices and offences.

26. The following acts, practices, matters, and things, in respect of any highway in unorganized territory, or any arterial or primary highway (within the meaning of section 39) in a municipality, shall be unlawful, and shall be deemed to be offences against this Part, namely:—

(*a.*) Camping, unless where impracticable to do otherwise, either by night or day, so that any part of the camp is within twenty feet of the centre of any highway:

(*b.*) Making any fire within twenty feet of the centre of any highway, or making a fire at any place so as to endanger any bridge or cribbing, or leaving unextinguished any fire on a highway:

(*c.*) Leaving any dead animal within two hundred feet of the centre of any highway:

(*d.*) Leaving or keeping a wagon detached from its team upon any highway without leaving a space of twelve

feet clear on one side of the travelled portion of the highway:

(*e.*) Leaving any portion of the chains, yokes, or other harness or of the cargo or apparatus of any team or train within six feet of the centre of any highway:

(*f.*) Wilfully or without lawful authority placing or maintaining by day or by night any obstruction on any part of a highway, or changing the level of a highway in any way whatsoever, or stopping the natural flow of water through any drain or culvert on or under any highway:

(*g.*) Constructing or maintaining a ditch the water from which causes damage to any highway:

(*h.*) Dragging logs or timber over or along any public highway, except as authorized by permit from the Minister therefor:

(*i.*) Riding a bicycle or other wheeled vehicle on any sidewalk constructed in whole or in part at the expense of the Province:

(*j.*) Digging up, breaking up, or removing any part of any highway, or cutting down or removing trees or timber grown on any highway, or excavating in or under any highway without first having obtained a permit from the Minister therefor:

(*k.*) Placing or maintaining any skids, rails, or other mechanical devices on, along, or across any highway without first having obtained a permit from the Minister therefor:

(*l.*) Placing or maintaining any loading-platform, mail-box, or other structure on any highway without first having obtained a permit from the Minister therefor:

(*m.*) Throwing or causing to be deposited or to flow upon any highway any noxious, offensive, or filthy water or substance. 1930, c. 24, s. 26.

Power of Justices to abate offences.

27. Upon being satisfied, by information on oath made before him, that there exists within his territorial jurisdiction any practice, matter, or thing constituting an offence against this Part, any Justice may issue his warrant under his hand for the removal of the cause of such offence, and may entrust the execution of such warrant to any constable or other person; and the person or persons causing the offence aforesaid shall, on summary conviction, be liable to pay, in addition to any other penalty by this Part imposed for such offence, all costs and expenses incurred in and about the removal of the cause of the offence aforesaid. 1930, c. 24, s. 27.

Compensation for persons removing nuisances from highways.

28. In case any dead animal shall be left lying, or any fire shall be left unextinguished, upon or near a highway in contravention

of the provisions of this Part, it shall be lawful for any person to remove and properly dispose of, or cause to be removed and properly disposed of, such dead animal, or to extinguish or cause to be extinguished such fire, and such person shall be entitled to recover a reasonable compensation for his trouble and expense in the premises from the person or persons contravening the provisions of this Part. 1930, c. 24, s. 28.

Persons liable for offences in or about a camp or pack-train.

29. If an offence against this Part has taken place or has been committed or permitted in or about a camp, or a team, or a train of pack-animals, the person in charge of the camp, team, or train of pack-animals shall be responsible for and shall be deemed guilty of the offence; and if there is no person so in charge, then each person in or about the camp, team, or train shall be responsible for and shall be deemed guilty of the offence: Provided that for each offence proved the total penalties inflicted shall not exceed the maximum penalty in this Part provided. 1930, c. 24, s. 29.

Violation of clause (*g*) of s. 26

30. Any person who causes damage to a public highway contrary to clause (*g*) of section 26 shall, in addition to the fine provided by the next succeeding section, be liable to pay to the Minister such sum for the said damage as may be awarded by the Justice. 1930, c. 24, s. 30.

Offences.

31. (1.) Every person who violates any provision of this Part or of the regulations, or who refuses or neglects to observe or perform any duty or obligation created or imposed by this Part or the regulations, shall be guilty of an offence against this Part, and each day's continuance of the violation, refusal, or neglect shall constitute a new and distinct offence.

Penalty.

(2.) Every person guilty of an offence against this Part for which no specific penalty is otherwise provided shall be liable to a fine not exceeding fifty dollars. 1930, c. 24, s. 31.

Recovery of penalties and moneys payable.

32. All penalties imposed and all costs, expenses, compensation, damages, and moneys payable or recoverable under this Part shall be recoverable before a Justice upon proceedings under the "Summary Convictions Act." 1930, c. 24, s. 32.

Interpretation for purposes of section.

33. (1.) In this section:—

"Extraordinary traffic" includes any carriage of goods or persons over a highway, at either one or more times, and whether in vehicles drawn by animal power or propelled by some other means, which taken in conjunction with the nature or existing condition of the highway is so extraordinary or improper in the quality or quantity of the goods or the number of persons carried, or in the mode or time of use of the highway, or in the speed at

which the vehicles are driven or operated, as, in the opinion of the Minister, substantially to alter or increase the burden imposed on the highway through its proper use by ordinary traffic, and to cause damage and expense in respect of the highway beyond what is reasonable or ordinary:

"Minister" means the Minister of Public Works or any person authorized by him in writing to exercise the powers vested in the Minister under this Part.

Power of Minister to regulate extraordinary traffic.

(2.) Where in the opinion of the Minister any highway is liable to damage through extraordinary traffic thereon, he may regulate, limit, or prohibit the use of the highway by any person operating or in charge of the extraordinary traffic, or owning the goods carried thereby or the vehicles used therein; and every person driving on or using the highway in contravention of such regulation, limitation, or prohibition shall be guilty of an offence against this Act, and shall be liable, on summary conviction, to a fine of not less than fifty dollars and not more than three hundred dollars: Provided that any person to whom this section might otherwise apply may, with the approval of the Minister, enter into an agreement for the payment to the Crown of compensation in respect of the damage or expense which may, in the opinion of the Minister, be caused by the extraordinary traffic, and thereupon that person shall not in respect of that traffic be subject to any prohibition or penalty prescribed by this section.

Power of Minister to close highway to traffic.

(3.) The Minister may close to traffic or use any highway at such time and for such period of time and in respect of such classes of traffic or use as in his opinion may be necessary for the construction or protection of any highway or other public work.

Application of section.

(4.) This section shall apply to all highways in unorganized territory, but shall apply only to arterial and primary highways (within the meaning of section 39) in municipalities. 1930, c. 24, s. 33.

Power of Lieut.-Governor in Council to make regulations.

34. (1.) The Lieutenant-Governor in Council may make such regulations in respect of vehicles driven, used, or operated on any highway in unorganized territory or on any arterial or primary highway (within the meaning of section 39) in a municipality as are deemed necessary or advisable for:—

(*a.*) Carrying into effect the provisions of this Part:

(*b.*) Regulating, in respect of any designated highway or class of highways, the speed of vehicles, and the gross weight of vehicle or loads, the weight on any axle, tire, or wheel, the number of axles or wheels, the wheel-base, the kind, width, size, and inflation of tires, and the system of load suspension; and so regulating any matter enumerated in this clause either separately or

in relation to any or all of the other matters so enumerated, and either generally or in respect of the time of the year and the physicial condition of the highways:

(*c.*) Regulating the use of chains, cleats, ribs, clamps, flanges, or other devices on the tires of vehicles:

(*d.*) Prescribing the lights to be carried and displayed on vehicles other than motor-vehicles and trailers as defined in the "Motor-vehicle Act":

(*e.*) Regulating, in respect of any designated highway, vehicle, or load, or class of highways, vehicles, or loads, the width, length, and height of vehicles, and the width, length, height, fastenings, and distribution of loads:

(*f.*) Regulating the gauge or width of vehicles from centre to centre of runners or wheels:

(*g.*) Prescribing penalties for the enforcement of any regulation made under this section:

(*h.*) Regulating or prohibiting the parking or standing of vehicles on any highway, and providing for the displaying of additional warning signs or lights in defined cases in respect of vehicles on any highway:

(*i.*) Providing for the designation of portions of highways on which a distinguishing middle line shall be marked, and for the marking upon the surface thereof of a distinguishing middle line; and prescribing that all vehicles proceeding on those highways shall be kept to the right of the middle line so marked, except when passing an overtaken vehicle elsewhere than at a curve in the highway:

(*j.*) Providing for the designation of highways on which vehicles shall during all or certain named hours of the day proceed in one direction, and for the marking of those highways with conspicuous signs or signals so as to indicate the rule in regard thereto and the direction in which vehicles shall proceed; and prescribing that vehicles shall proceed on those highways only as such signs or signals indicate:

(*k.*) Prescribing in respect of any designated highway or class of highways that the driver of every vehicle approaching upon an intercommunicating highway shall before proceeding to cross or enter upon the designated highway or a highway of the class designated, and while at a distance of not more than twenty feet therefrom, bring his vehicle to a full stop:

(*l.*) Regulating the turning of vehicles and the reversion of vehicles on any highway or at any intersection of highways:

(*m.*) Providing for and compelling the weighing of vehicles and their loads, and the furnishing of satisfactory evidence of their weight; and providing for the removal from any vehicle of a load or any portion of a load which is found to be in excess of the weight prescribed by the regulations:

(*n.*) Prescribing, in respect of any highway where there is a railway intersecting, that the driver of every motor-vehicle shall before proceeding to cross such railway, and while at a distance of not more than twenty feet therefrom, bring his motor-vehicle to a full stop.

Further power to make regulations.

(2.) The Lieutenant-Governor in Council may make regulations providing for:—

(*a.*) The erection and maintenance on highways of signs and guide-posts approved by the Minister:

(*b.*) The preservation of signs and guide-posts erected on highways:

(*c.*) The tearing down and removal of signs, advertisements, and guide-posts erected on highways:

(*d.*) Prohibiting the erection and maintenance on highways of signs, advertisements, or guide-posts, except with the approval of the Minister:

(*e.*) The erection and maintenance of fences and gates across highways when considered necessary by the Minister, the preservation of fences and gates so erected, and for the opening and closing of such gates by persons using the highway:

(*f.*) The declaring of the Cariboo Road between Yale and Lytton, or any part of that highway, a toll-road; the fixing of the rates of toll to be paid to the Crown for the use of the toll-road so declared, which rates of toll may be varied or limited in their application in the case of settlers residing along the route of the toll-road; the erection and maintenance of toll-gates; the appointment, duties, and powers of toll-gate keepers; the collection and enforcement of payment of tolls, including the seizure, detention, and sale of vehicles and property in respect of which a toll is payable; and for preventing the evasion of payment of tolls:

(*g.*) The granting of permits by the Minister, in his discretion, or subject to such conditions as may be prescribed, for the doing of anything which is by or under this Act prohibited or made unlawful without a permit:

(*h.*) The prescribing of forms to be used for purposes of this Act or the regulations:

(*i.*) The prescribing of fees for anything done or permitted to be done under the regulations.

(3.) The power of the Lieutenant-Governor in Council to make regulations under clauses (*a*) to (*e*) of subsection (2) shall apply in respect of all highways in unorganized territory, but shall apply only in respect of arterial and primary highways (within the meaning of section 39) in municipalities. 1930, c. 24, s. 34; 1932, c. 19, s. 2; 1935, c. 31, ss. 5–7. Application of power in certain cases.

35. On the prosecution of any person charged with a violation of the regulations in operating or using on any highway a vehicle the weight of which or the weight of the load carried on which was in excess of the weight prescribed by the regulations, it shall be sufficient prima facie evidence for any credible witness to state upon oath that to the best of his judgment and opinion the weight of the vehicle in question or of the load carried thereon at the time of the alleged violation was in excess of the weight so prescribed; and upon that evidence being given the person charged may be convicted, unless he proves that the weight of the vehicle or load, as the case may be, was not in excess of the weight so prescribed. 1930, c. 24, s. 35. Evidence of weight of vehicle or load.

36. (1.) Every bicycle propelled by muscular power shall be equipped with a lamp mounted on the front thereof capable of displaying a white light visible under normal atmospheric conditions at least two hundred feet in the direction in which the bicycle is fronted, and with a red reflector of a make or design approved by the Commissioner of Provincial Police for the purpose of this section, or lamp mounted on the rear thereof capable of reflecting or displaying a red light towards the rear, and such lamp or lamps shall be kept lighted during the period from one-half hour after sunset to one-half hour before sunrise while the bicycle is being ridden or propelled upon any highway. In addition to the equipment so required, every bicycle that is ridden or propelled upon any highway shall have the most conspicuous portion of its rear mud-guard, for a length of not less than nine inches and the full width of the mud-guard, painted white. Lights on bicycles.

(2.) No person shall ride or operate on any highway a bicycle which is trailed behind or alongside any vehicle or street-railway car, whether attached to that vehicle or car by the arm and hand of the rider or operator of the bicycle or otherwise. Trailing of bicycles prohibited.

(3.) Every person riding on or propelling or operating a bicycle on any highway in contravention of any provision of this section shall be liable, on summary conviction, to a fine not exceeding twenty-five dollars. 1930, c. 24, s. 36; 1932, c. 19, s. 3; 1935, c. 31, s. 8. Penalty.

PART III.

CLASSIFICATION AND IMPROVEMENT OF HIGHWAYS.

Interpretation.

37. (1.) In this Part, unless the context otherwise requires:—

"Construction" includes the original work of constructing a new highway, and also the work of reconstructing or putting a highway or any section of a highway in repair by general and continuous regrading or remetalling of its surface, or by building, rebuilding, or enlarging bridges thereon, or by executing such other highway-work of substantial improvement or protection as may be classified by the Minister as substantial:

"Department" means the Department of Public Works:

"Maintenance" means the work, subsequent to the construction of a highway, of preserving and keeping it in repair, including the making, cleaning, and keeping open of ditches, gutters, drains, culverts, and water-courses, and the repairing of retaining-walls, cribs, river-protection works, and other works necessary to keep open and maintain the highway for use by the traffic for which it is required:

"Municipal area" or "area" means the area of land within the limits of a municipality and over which the jurisdiction of the municipal corporation extends.

"Population" of a municipality.

(2.) For the purposes of this Part, the certificate of the Minister from time to time, in writing under his seal, as to the "population" of any municipality shall be conclusive. 1930, c. 24, s. 37.

Application of Part limited to certain municipal areas.

38. The provisions of this Part, except the provisions of sections 39 and 40 relating to the classification of highways, shall apply only to such highways and portions of highways as are within the limits of a municipality, and none of the provisions of this Part shall apply to highways or portions of highways within the limits of any city or city municipality having a population of more than two thousand. 1930, c. 24, s. 38.

Classification of highways.

39. For the purposes of this Part, certain highways may be classified as follows:—

(*a.*) "Arterial highways," comprising highways of such importance as, on the recommendation of the Minister approved by Order of the Lieutenant-Governor in Council, are classified as arterial highways:

(*b.*) "Primary highways," comprising such highways affording main channels of communication connecting with important extra-provincial highways, or connecting important centres of population or important terminal

points, as, on the recommendation of the Minister approved by Order of the Lieutenant-Governor in Council, are classified as primary highways:

(*c.*) "Secondary highways," comprising such highways of less general importance as, on the recommendation of the Minister approved by Order of the Lieutenant-Governor in Council, are classified as secondary highways. 1930, c. 24, s. 39.

Procedure for classification of highways.

40. (1.) From time to time the Minister shall denote the highways which in his opinion should be classified as arterial, primary, and secondary highways respectively by delineating upon a map the route of each such highway throughout each municipal area through or in which it runs or is intended to run. After observing the following conditions, that is to say:—

(*a.*) As to arterial and primary highways, after consultation with the Municipal Council of every municipality through or within the limits of which the highway runs or is intended to run:

(*b.*) As to secondary highways, after agreement made with and ratified by by-law of the Municipal Council of every municipality through or within the limits of which the highway runs or is intended to run, approving of the proposed classification and route of the highway,—

the Minister shall submit the map to the Lieutenant-Governor in Council for classification of the highways denoted thereon.

Publication of notice of classification.

(2.) Upon the making of the order classifying any arterial, primary, or secondary highway, the Minister shall cause notice of the fact of its classification under this Act to be published in one issue of the Gazette, and no change shall be made in the route or classification of the highway except by Order of the Lieutenant-Governor in Council. 1930, c. 24, s. 40.

Cost of construction and maintenance of classified highways.

41. (1.) Subject to the provisions of subsections (2) and (3), the cost of construction and maintenance of classified highways shall be borne as follows:—

(*a.*) In the case of arterial highways, the cost of construction and maintenance shall be borne entirely by the Department:

(*b.*) In the case of primary highways, the cost of construction and of maintenance shall be borne seventy-five per centum by the Department and twenty-five per centum by the municipal corporation of the area through or in which the highway runs:

(*c.*) In the case of secondary highways, the cost of construction shall be borne equally by the Department and the municipal corporation of the area through or in which the highway runs, and the cost of maintenance shall

be borne forty per centum by the Department and sixty per centum by the municipal corporation.

Power of Department to increase contribution in certain cases.

(2.) Where a secondary highway runs in or through a municipality having a population of less than one thousand, the Department may, in the discretion of the Minister, contribute not exceeding seventy-five per centum of the cost of construction and maintenance of the highway.

Power of Department to pay entire cost of bridges in certain cases.

(3.) The Department may build, rebuild, repair, or protect a bridge upon any highway, where the cost of the work is provided by a specific vote of the Legislature; and in case of damage by flood or other accident, or where otherwise deemed necessary in the public interest, the Department may, with the approval of the Lieutenant-Governor in Council, replace, repair, rebuild, or protect any highway bridge, whether upon a classified or unclassified highway, and pay the entire cost thereof. 1930, c. 24, s. 41.

Control of construction and maintenance of classified highways.

42. (1.) The control of the construction and maintenance of every arterial or primary highway shall be vested in the Department. Subject to the regulations made under this Part, the control of the construction and maintenance of every secondary highway shall be vested in the municipal corporation of the area in or through which the highway runs.

Construction of sidewalks on arterial or primary highway.

(2.) Upon obtaining the approval of the Department, the municipal corporation of any area in or through which an arterial or primary highway runs may construct, at the expense of the corporation, sidewalks on that highway. 1930, c. 24, s. 42.

Powers of Department within municipalities extended.

43. (1.) In addition to all other powers, the Department shall have and may exercise within the limits of any municipality in or through which an arterial or primary highway runs all the powers which a municipal corporation authorized to lay out, construct, and maintain the highway might exercise for that purpose.

Power of Department to exercise rights of municipal corporation under any by-law or contract.

(2.) The Department, in respect of an arterial or primary highway, shall have all the rights, powers, and advantages conferred by by-law, contract, or otherwise upon the municipal corporation having control of the highway before it became classified as an arterial or primary highway under this Act; and the Department may sue in the name of the Minister upon such rights or under such by-law or contract in the same manner and to the same extent as the municipal corporation might have done if the highway had not been classified as an arterial or primary highway. 1930, c. 24, s. 43.

Protection of arterial highways.

44. (1.) Notwithstanding the provisions of any public or private Act, no person shall:—

(*a.*) Dig up, break up, or remove any part of the improved, graded, surfaced, or travelled portions of any arterial

highway for the purpose of any work constructed or maintained or proposed to be constructed in, upon, or over the arterial highway, or for any purpose whatsoever; or

(*b.*) Excavate in or under any arterial highway; or

(*c.*) Place any sign, erection, or obstruction upon any arterial highway,—

except with the consent of the Minister and after having obtained from him a permit in writing therefor, and subject to such conditions to be set out in the permit as the Minister may consider proper.

(2.) Every person violating any of the provisions of subsection (1) shall be liable, on summary conviction, to a fine not exceeding two hundred and fifty dollars.

(3.) No part of the expense of any work constructed or maintained or thing done by any person under a permit granted by the Minister under subsection (1) shall be borne by the Department, nor shall the Crown be liable for any loss or damage caused to person or property, directly or indirectly, by any work constructed or maintained or thing done under the permit. 1930, c. 24, s. 44.

Duty of Department to keep and furnish accounts of expenditure on primary highways.

45. (1.) The Department shall keep an account of expenditure showing the amount spent on construction and the amount spent on maintenance of each primary highway, and shall from time to time transmit a statement thereof to each municipal corporation liable to contribute to the cost of the highway.

Notice to municipalities before commencing construction-work.

(2.) Before commencing any work of construction in any year on a primary highway the Department shall give thirty days' notice thereof in writing to each municipal corporation liable to contribute to the cost of the highway. 1930, c. 24, s. 45; 1931, c. 29, s. 5.

Duty of municipal corporation to submit estimates of expenditure on secondary highways.

46. (1.) The municipal corporation having control of the construction and maintenance of any secondary highway shall, not later than the first day of February in each year, submit to the Minister estimates showing the proposed expenditure for the construction and maintenance thereof for the year commencing the first day of April following; and unless the municipal corporation submits the estimates of expenditure as required by this subsection, and obtains the approval thereof by the Minister in writing before any work covered by the estimates is undertaken, the Department shall not be liable to bear any portion of the cost of construction or maintenance of the secondary highway for that year.

Duty of municipal corporation to keep and furnish accounts

(2.) The municipal corporation having control of the construction and maintenance of any secondary highway shall keep an

of expenditure on secondary highways.

account of expenditure showing the amount spent on construction and the amount spent on maintenance, and shall from time to time transmit a statement thereof to the Department. 1930, c. 24, s. 46.

Basis of apportionment of costs of continuous highway through two or more municipalities.

47. (1.) For the purpose of determining the amounts payable by the several municipal corporations in respect of a primary or secondary highway which runs in a continuous route in or through two or more municipal areas, the highway may be considered as a whole, or the Minister may divide the highway into such sections as under the circumstances of the case he deems proper, and the total amount of cost to be borne by the municipal corporation for the construction or maintenance of the highway as a whole or of any section shall be apportioned among the several municipal corporations in proportion to the mileage of the highway or section in each municipality.

Decision of Minister as to apportionment final.

(2.) In case of any dispute between the municipal corporations as to the apportionment of the cost to be borne by them, the Minister, on notice to the parties to the dispute, and after hearing all such parties as apply to be heard, may apportion the cost between the several municipal corporations, and the decision of the Minister shall be final. 1930, c. 24, s. 47.

Recovery of moneys due to Department.

48. All moneys due to or recoverable by the Department under the provisions of this Act, including the allocated cost of construction and of maintenance of any primary highway, may be recovered by action in any Court as for a debt due to the Crown. The certificate of the Minister stating the amount due from any municipal corporation under this Act shall be conclusive evidence of liability. 1930, c. 24, s. 48.

Power of municipal corporation to provide moneys to meet expenditures.

49. Every municipal corporation liable for the payment of any moneys under this Act may provide funds therefor in any manner authorized under the "Municipal Act" for the providing of funds for municipal purposes, but it shall not be necessary by reason of anything contained in that Act for any by-law ratifying any agreement made under this Act or for raising money upon the credit of the municipality for the payment of moneys for which the municipal corporation is liable under this Act to be submitted to or receive the assent of the electors of the municipality. 1930, c. 24, s. 49.

Power of Department to require proper maintenance of secondary highways.

50. Where the Minister deems it advisable, the Department may give notice to any municipal corporation that a secondary highway within its municipal area is not being kept in a proper state of maintenance; and if after fifteen days from the giving of the notice the highway in the opinion of the Minister has not been put in a proper state of maintenance, the Department may

cause the highway to be put into a proper state of maintenance, and may pay the cost thereof, and may recover the amount of such cost from the municipal corporation. 1930, c. 24, s. 50.

Power of Lieut.-Governor in Council to make regulations.

51. (1.) The Lieutenant-Governor in Council may make regulations for the purpose of carrying out the provisions of this Part, and may either by general regulations or by special regulations in any particular case prescribe the nature and quality of material and work to be applied in the construction or maintenance of primary and secondary highways.

Power to enter into agreements with Dominion.

(2.) The Lieutenant-Governor in Council may enter into agreements with the Governor in Council, or with any member of His Majesty's Privy Council for Canada, for the application to the construction and improvement of highways within the Province of any moneys appropriated for highway construction or improvement pursuant to the provisions of any Act of the Parliament of the Dominion.

Power to vary conditions of payment by Department and municipalities.

(3.) Where an agreement entered into pursuant to subsection (2) provides for the application of any moneys so appropriated to the cost of any highway-work under this Act, the Minister may in consequence of the agreement vary the conditions of payment and the amounts payable in respect of that work by the Department and by municipal corporations under this Act. 1930, c. 24, s. 51.

PART IV.

PROTECTION OF BRIDGES.

Application of Part.

52. This Part shall apply to all bridges owned by the Province or subject to Provincial control. 1930, c. 24, s. 52.

Driving of animals over bridges faster than a walk prohibited.

53. Subject to the provisions of clause (*c*) of section 55, it shall be unlawful for any person to ride or drive any animal, whether attached to a vehicle or otherwise, or any animals in droves or in pack-trains, on or over a bridge at a pace faster than a walk. 1930, c. 24, s. 53.

Mooring of rafts or vessels to bridges prohibited.

54. It shall be unlawful to moor, make fast, or in any other way attach any raft, vessel, boat, barge, or other floating body to any bridge, or to any pier, pile, guide, trestle, or abutment of the same. 1930, c. 24, s. 54.

Power to make rules and regulations governing traffic on bridges.

55. It shall be lawful for the Minister, or any person authorized by him in writing to exercise the powers vested in the Minister under this section, to make, alter, and repeal from time to time, as he may deem expedient, rules and regulations governing the traffic over any bridge coming under the provisions of this Part for any of the following purposes:—

(*a.*) For defining the maximum load that may be hauled on and over any bridge at one time:

(*b.*) For defining the maximum number of head of animals of any kind, in bands or pack-trains, that may be driven on or over any bridge at one time, and for defining the intervals of time and space between said bands or pack-trains:

(*c.*) For permitting an increased pace over trestle bridges if such increase in speed is not deemed hazardous to the structure:

(*d.*) For closing a bridge to or restricting the use of same to particular class or classes of traffic. 1930, c. 24, s. 55.

Penalty for contravention of preceding provisions.

56. Every person who contravenes any of the preceding provisions of this Part relating to the protection of bridges, or of any rule or regulation made in accordance with the preceding provisions of this Part, shall be liable, on summary conviction, to a fine not exceeding fifty dollars. 1930, c. 24, s. 56.

Employer liable in damages.

57. The employer of any person who, while in charge of any animals or vehicles of such employer, is guilty of a violation of this Part shall, in addition to all penalties imposed by this Part, be liable to His Majesty for all damage resulting from such violation, and the same may be recovered from the employer by action in any Court of competent jurisdiction at suit of the Attorney-General. 1930, c. 24, s. 57.

Further power to make regulations governing traffic on bridges.

58. The Minister, or any person authorized by him in writing to exercise the powers vested in the Minister under this section, may from time to time make regulations prescribing the conditions upon which traffic of any kind, including railway traffic, may be carried across any bridge to which this Part applies; and particularly, and without in anywise limiting the generality of the foregoing provisions, may make regulations:—

(*a.*) Prescribing the speed at which railway traffic may be moved across any bridge:

(*b.*) Prescribing the speed at which vehicular traffic may be moved across any bridge:

(*c.*) Fixing and prescribing the length and weight of trains and vehicles which may be moved across any bridge:

(*d.*) Preventing the depositing of rubbish, offal, or offensive or inflammable matter upon any bridge. 1930, c. 24, s. 58.

Penalty for contravention of regulations.

59. Every person contravening or permitting the contravention of, or omitting, refusing, or neglecting to conform to, observe, and perform the provisions made and prescribed by any regulation made under the last preceding section of this Part shall be liable, on summary conviction, to a fine of not less than ten

dollars and not more than two hundred and fifty dollars. 1930, c. 24, s. 59.

Officers and employees personally liable in addition to corporation.

60. In the event of any corporation being guilty of any offence against the last preceding section, or any rules or regulations made under section 58, every officer and every employee of the corporation taking part in or being in anywise concerned in the act or omission constituting the offence shall personally be deemed to commit an offence against this Part, and may be personally prosecuted and punished therefor in addition to the prosecution and punishment of the corporation. 1930, c. 24, s. 60.

Saving clause.

61. Nothing in this Part contained shall interfere with the public rights of navigation or shipping. 1930, c. 24, s. 61.

PART V.

MOTOR CARRIERS.

Interpretation.

62. (1.) In this Part, unless the context otherwise requires:—

"Public passenger-vehicle" means a motor-vehicle, with or without a trailer attached, which is available for use by the public and is operated at any time or from time to time on a highway over a stated route or between fixed termini or on a regular time or toll schedule by, for, or on behalf of any person who charges or collects compensation for the transportation of passengers or passengers and freight in or upon the motor-vehicle or trailer:

"Public freight-vehicle" means a motor-vehicle, other than a public passenger-vehicle, which motor-vehicle, with or without a trailer attached, is available for use by the public and is operated at any time or from time to time on a highway over a stated route or between fixed termini or on a regular time or toll schedule by, for, or on behalf of any person who charges or collects compensation for the transportation of freight in or upon the motor-vehicle or trailer:

"Public vehicle" includes a public freight-vehicle and a public passenger-vehicle:

"Limited passenger-vehicle" means a motor-vehicle, other than a public vehicle, which motor-vehicle, with or without a trailer attached, and whether available or not for use by the public, is operated at any time or from time to time on a highway by, for, or on behalf of any person who charges or collects compensation for

the transportation of passengers or passengers and freight in or upon the motor-vehicle or trailer:

" Limited freight-vehicle " means a motor-vehicle, other than a limited passenger-vehicle or a public vehicle, which motor-vehicle, with or without a trailer attached, and whether available or not for use by the public, is operated at any time or from time to time on a highway by, for, or on behalf of any person who charges or collects compensation for the transportation of freight in or upon the motor-vehicle or trailer:

" Limited vehicle " includes a limited passenger-vehicle and a limited freight-vehicle:

" Private freight-vehicle " means a motor-vehicle, with or without a trailer attached, which is operated at any time or from time to time on a highway for the transportation of freight, without any compensation being charged or collected by any person for the transportation of freight in or upon the motor-vehicle or trailer:

" Arterial or primary highway " includes any arterial highway or primary highway as classified under Part III.:

" Carrier's licence " or " licence " means a licence issued by the Minister under this Part in respect of a motor-vehicle authorizing its operation as a public passenger-vehicle, public freight-vehicle, limited passenger-vehicle, limited freight-vehicle, or private freight-vehicle:

" Compensation " or " toll " means any fee or rate charged or collected by any person for the transportation of passengers or freight by motor-vehicle or trailer, and includes remuneration of any kind paid, payable, or promised, directly or indirectly, whether for use of all or part of the motor-vehicle or trailer:

" Freight " includes personal property of every description which may be conveyed upon a motor-vehicle or trailer:

" Motor-vehicle " includes any vehicle propelled otherwise than by muscular power, excepting the cars of electric and steam railways and other vehicles running only upon rails or tracks:

" Operate," in respect of a motor-vehicle, includes the driving or managing of the motor-vehicle:

" Regulations " means regulations made under this Part:

" Stated route " and " fixed termini " mean respectively the route over which and the termini between which a vehicle is usually operated, although there may be changes in or departures from the route or termini, whether those changes or departures are periodical or irregular:

"Trailer" means any vehicle which is attached to a motor-vehicle for the purpose of being drawn or propelled by the motor-vehicle:

"Transportation" includes carriage, and with respect to freight includes the shipment, care, handling, storage, and delivery thereof.

(2.) An incorporated village municipality shall be deemed to be a municipality within the meaning of this Part.

(3.) Subject to the provisions of section 63, the Minister shall have power, in his discretion, by a declaration in writing under his hand from time to time, to declare that any motor-vehicle operated or which might be operated by, for, or on behalf of any person for compensation is a public passenger-vehicle, a public freight-vehicle, a limited passenger-vehicle, or a limited freight-vehicle within the meaning of subsection (1); and thereupon the provisions of this Part and the regulations shall apply in respect of that motor-vehicle accordingly, subject to such limitations as may be set out in the declaration. The Minister shall cause a copy of the declaration to be served on the person in whose name the motor-vehicle is registered under the "Motor-vehicle Act" and on such other persons (if any) as the Minister may see fit, but the neglect or failure to serve a copy of the declaration on any person pursuant to this subsection shall not affect the validity or effectiveness of the declaration for the purposes of this Part. 1935, c. 31, s. 9 (*part*).

Exemptions from Part V.

63. This Part shall not apply in respect of:—

(*a.*) A motor-vehicle operated for hire while used exclusively in carrying pupils or teachers to or from a school, except as otherwise expressly provided in subsection (2) of section 76:

(*b.*) A motor-vehicle operated exclusively within the limits of one or more municipalities, unless it is operated as a public vehicle, a limited vehicle, or a private freight-vehicle upon an arterial or primary highway otherwise than in merely crossing the arterial or primary highway when proceeding along an intersecting municipal highway:

(*c.*) Any motor-vehicle or class of motor-vehicles expressly exempted from the application of this Part by the regulations:

(*d.*) Any motor-vehicle operated pursuant to a permit issued under the provisions of section 15 of the "Motor-vehicle Act." 1935, c. 31, s. 9 (*part*).

Licence required.

64. Except as exempted by or under this Part, no person shall operate or cause or permit to be operated a motor-vehicle on any

highway in the Province as a public passenger-vehicle, a public freight-vehicle, a limited passenger-vehicle, a limited freight-vehicle, or a private freight-vehicle, unless he or the person for or on whose behalf the motor-vehicle is to be operated or is so operated holds a subsisting carrier's licence issued by the Minister authorizing the operation of that motor-vehicle in the manner and for the purposes in or for which it is to be so operated. 1935, c. 31, s. 9 (*part*).

Application for licence.

65. Every applicant for a carrier's licence shall deliver to the Minister an application in a form prescribed by the Minister, accompanied by such information as he may require. The application shall describe the motor-vehicle in respect of which the licence is required, and shall state whether it is to be operated as a public passenger-vehicle, a public freight-vehicle, a limited passenger-vehicle, a limited freight-vehicle, or a private freight-vehicle, and the maximum number of passengers, the maximum number of passengers and tons of freight, or the maximum number of tons of freight which the motor-vehicle is intended to carry, and shall be accompanied by the application fee prescribed by the regulations. 1935, c. 31, s. 9 (*part*).

Issuance of licence.

66. (1.) Upon receipt of the application, and upon such investigation and inquiry as the Minister considers proper, and upon being satisfied that the application and the motor-carrier service proposed by the applicant are in conformity with the provisions of this Part and the regulations, the Minister may, subject to subsection (2), issue to the applicant a licence in accordance with his application as originally delivered or as subsequently amended by him, authorizing the operation of the motor-vehicle as a public passenger-vehicle, a public freight-vehicle, a limited passenger-vehicle, a limited freight-vehicle, or a private freight-vehicle, as the case may be, subject in all cases to the full observance of all the provisions of this Part and the regulations, and of such further terms and conditions as are set out or referred to in the licence. The licence shall state the maximum number of passengers, the maximum number of passengers and tons of freight, or the maximum number of tons of freight, as the case may be, authorized to be carried at one time in or upon the motor-vehicle, and shall be in such form and contain such terms and conditions as are prescribed by this Part or the regulations.

Licence fee and proof of financial responsibility.

(2.) Where the application is in respect of the operation of a public vehicle or a limited vehicle, the licence shall not be issued until the applicant has paid to the Minister the annual licence fee, or part thereof, prescribed by the regulations; nor until the applicant has furnished to the Minister satisfactory evidence that the owner of the motor-vehicle, in respect of its proposed opera-

tion under the licence, has given to the Commissioner of Provincial Police proof of financial responsibility in the manner provided in the "Motor-vehicle Act" for the giving of proof of financial responsibility, but for the respective amounts prescribed by the regulations.

Refusal of licence.

(3.) Where the application is in respect of the operation of a public vehicle or a limited vehicle, if the Minister is of opinion that the issuance of the licence applied for would not be in the public interest, he may refuse to issue the licence. 1935, c. 31, s. 9 (*part*).

Term of licence.

67. (1.) Every licence shall, unless an earlier expiry date is fixed by the Minister and stated in the licence, expire on the last day of February next following the date on which the licence is expressed to take effect or from which it is renewed.

Renewal of licences.

(2.) Licences may, with the approval of the Minister, be renewed in such manner and on payment of such renewal and annual licence fees as are prescribed by the regulations. 1935, c. 31, s. 9 (*part*).

Transfer of licences.

68. No carrier's licence shall be assigned or transferred, except with the approval of the Minister in writing, and subject to such conditions and to the payment of such transfer fee as may be prescribed by the regulations. 1935, c. 31, s. 9 (*part*).

Fees.

69. (1.) For the purposes of this Part, application fees, renewal fees, transfer fees, and annual licence fees, including fees for licence-plates to be affixed to motor-vehicles operated under licence, shall be fixed and be payable in such manner, at such times, and on such basis as may be prescribed by the regulations; but the fees so fixed shall not exceed the respective fees set out in the Schedule.

(2.) There shall be no annual licence fee payable in respect of private freight-vehicles. The annual licence fees in respect of each public vehicle and each limited vehicle shall be based on the maximum authorized seating capacity for passengers or the maximum authorized carrying capacity for freight; and may be reduced, in the discretion of the Minister, in respect of any motor-vehicle or group or class of motor-vehicles, having regard to the amount of business done or available and the nature of the highways and other conditions pertaining to each case. 1935, c. 31, s. 9 (*part*).

Licence-plates and capacity-markers.

70. Every motor-vehicle operated under a carrier's licence shall, in the manner prescribed by the regulations, have affixed thereto a licence-plate or licence-plates and be clearly marked on both sides thereof so as to indicate the maximum number of passengers or tons of freight authorized to be carried under the

licence, which licence-plates shall be supplied by the Minister and remain the property of the Crown. 1935, c. 31, s. 9 (*part*).

Exclusive rights.

71. (1.) Except as provided in this section, no carrier's licence shall be deemed to confer any perpetual or exclusive right.

Exclusive rights of Vancouver Island Transportation Company, Limited.

(2.) The public carrier's licence heretofore issued under subsection (2) of section 68 of chapter 24 of the Statutes of 1930, conferring special exclusive rights on the Vancouver Island Transportation Company, Limited, may to the extent that the same was subsisting on the fifteenth day of July, 1935, be renewed pursuant to that subsection, as if it were not repealed, for a period of five years ending in the year 1940; but in all other respects the said licence and the rights of all persons thereunder shall be subject to the provisions of this Part and to the payment of such fees including such special or additional annual licence fee as may from time to time be prescribed by the regulations. 1935, c. 31, s. 9 (*part*).

Suspension or cancellation of licence.

72. The Minister may at any time and from time to time suspend a carrier's licence, and for cause and after a hearing may amend or cancel a carrier's licence; and any failure on the part of the holder of a carrier's licence or a licence referred to in subsection (2) of section 71 to observe the provisions of this Part and the regulations shall be sufficient cause for the suspension or cancellation of the licence. 1935, c. 31, s. 9 (*part*).

Duty of licensee to furnish adequate service.

73. The holder of every carrier's licence for the operation of a public vehicle shall operate the same and furnish adequate service to the public in conformity with the licence and with the provisions of this Part and the regulations, and failure on the part of the holder so to operate and furnish adequate service shall be sufficient cause for the suspension or cancellation of the licence. 1935, c. 31, s. 9 (*part*).

Provisions of Part supplemental to other Acts.

74. The fees imposed by this Part and the regulations shall be in addition to all fees or tax imposed by or under any other public or private Act, and the provisions and regulations made by or under this Part in respect of motor-vehicles shall be in addition to those made by or under any other Part of this Act or the "Motor-vehicle Act" respecting motor-vehicles; and nothing in this Part shall be deemed to exempt any person or motor-vehicle from any of the provisions of any other Part of this Act or the "Motor-vehicle Act" or the regulations made thereunder. 1935, c. 31, s. 9 (*part*).

Operation of licensed vehicles without municipal licence.

75. Notwithstanding the provisions of any public or private Act, the holder of a carrier's licence shall not be required to hold a licence under the provisions of any by-law of a municipality in

respect of a motor-vehicle which he operates within the municipality in accordance with the provisions of his carrier's licence upon arterial or primary highways only. 1935, c. 31, s. 9 (*part*).

Stopping of vehicles at railway crossings.

76. (1.) If upon any highway approaching a grade crossing of an intersecting railway is erected a sign displaying the word "Stop," either alone or accompanied by other words, the driver of every motor-vehicle operated as a public vehicle, limited vehicle, or private freight-vehicle upon that highway shall, before proceeding to cross such railway and while at a distance of not more than twenty feet therefrom, bring the motor-vehicle to a full stop.

(2.) The provisions of subsection (1) shall, mutatis mutandis, apply in respect of every motor-vehicle operated for hire and used in carrying pupils or teachers to or from a school. 1935, c. 31, s. 9 (*part*).

Regulations.

77. (1.) For the purpose of carrying into effect the provisions of this Part, the Lieutenant-Governor in Council may make such regulations, not inconsistent with the spirit of this Act, as are considered necessary or advisable.

(2.) Without thereby limiting the generality of the provisions contained in subsection (1), the power of the Lieutenant-Governor in Council to make regulations under this Part shall extend to:—

(*a.*) Prescribing the classes of carriers' licences, the terms upon which they shall be issued, and the conditions and restrictions to which they shall be subject; and providing for the transfer of licences:

(*b.*) Prescribing the forms of carriers' licences, and the fees to be payable in respect of licences:

(*c.*) Classifying public vehicles, limited vehicles, and private freight-vehicles, and fixing the maximum number of passengers or the maximum weight of freight, or both, which each public vehicle, limited vehicle, or private freight-vehicle may carry:

(*d.*) Providing for the restricting or prohibiting from time to time of the operation of any class of public vehicles, limited vehicles, or private freight-vehicles upon any class of highways or upon any highway during specified times or under specified conditions:

(*e.*) Governing the operation of public vehicles, limited vehicles, and private freight-vehicles and the conduct of drivers and passengers, prescribing the adequate accommodation and service and the depot facilities to be furnished to the public by the holder of any carrier's licence and the obligations of the holder to the public in respect of the acceptance and carriage of passengers and freight, and providing for the issuance of permits

for the use from time to time of spare or emergency vehicles in addition to or in substitution for the public vehicles, limited vehicles, or private freight-vehicles in respect of which the licence was issued:

(*f.*) Providing for the inspection and supervision of the schedules, service, and safety of operation of public vehicles, limited vehicles, and private freight-vehicles; and for the supervision of the holders of carriers' licences in all matters affecting their relationship and dealings with passengers, shippers, and the public generally:

(*g.*) Providing for the approval of the tolls to be charged by the operators of public vehicles and limited vehicles, and the filing and publication of schedules of those tolls; and prohibiting the charging of other than approved tolls:

(*h.*) Providing for the approval of time schedules, and the filing and issuing of time schedules to be observed in the operation of public vehicles which are to be operated over a stated route or between fixed termini:

(*i.*) Prescribing the procedure to be followed and the conditions under which changes may be made in the schedules of tolls of public vehicles and limited vehicles, and in the time schedules of public vehicles:

(*j.*) Prescribing methods of accounting, and requiring the keeping of daily and other records of the operations of public vehicles and limited vehicles, and the making of statements and reports thereof by the holders of carriers' licences:

(*k.*) Requiring the mechanical inspection of public vehicles, limited vehicles, and private freight-vehicles, and the furnishing of certificates of inspection:

(*l.*) Prescribing licence-plates and additional equipment for public vehicles, limited vehicles, and private freight-vehicles, whether of the same kind as the equipment prescribed under the "Motor-vehicle Act" or of a different kind; and prescribing fees to be payable in respect of licence-plates:

(*m.*) Providing for the delegation by the Minister of any power or authority vested in him by the regulations:

(*n.*) Prescribing fees to be payable in respect of anything done or permitted to be done under the regulations:

(*o.*) Providing for the exemption of any vehicle or class of vehicles from the application thereto of any provision of this Part, or for limiting or varying the application thereof in any designated manner. 1935, c. 31, s. 9 (*part*).

78. Every person who is guilty of an offence against this Part, or who violates any provision of this Part or of the regulations, or who refuses or neglects to observe or perform any duty or obligation created or imposed by this Part or the regulations, in respect of which no fine is otherwise expressly prescribed by this Part, shall be liable, on summary conviction, to a fine of not less than ten dollars and not more than two hundred and fifty dollars; and each day's continuance of any such violation, refusal, or neglect shall constitute a new and distinct offence. 1935, c. 31, s. 9 (*part*). Penalties.

79. Every person who makes any false statement in any application for a carrier's licence, or in any statement, report, or other document required to be made or furnished under this Part or the regulations, shall be guilty of an offence against this Part. 1935, c. 31, s. 9 (*part*). False statements an offence.

80. (1.) No person other than the holder of a carrier's licence for the operation of a public vehicle or limited vehicle, or his agent duly authorized in writing, shall:— Soliciting of business by unlicensed persons prohibited.

(*a.*) Sell or offer to sell tickets for the transportation of passengers or freight; or

(*b.*) By advertising or otherwise solicit the transportation of passengers or freight; or

(*c.*) Operate, control, or manage a travel bureau or place for the sale of tickets or for soliciting or advertising the transportation of passengers or freight;

where such transportation is to be by means of a public vehicle or limited vehicle in whole or in part upon any highway in unorganized territory or upon an arterial or primary highway.

(2.) Every person who violates any provision of this section shall be liable, on summary conviction, to a fine of not less than fifty dollars or more than five hundred dollars. 1935, c. 31, s. 9 (*part*).

81. (1.) Any constable or officer of the Provincial Police may at any time, without any warrant, search any motor-vehicle on a highway for the purpose of ascertaining whether or not the provisions of this Part and the regulations are being complied with in the operation of that motor-vehicle, and for that purpose may require the driver of the motor-vehicle to stop the same and to permit of the search being made. Power to search motor-vehicles.

(2.) Every driver or other person in charge of a motor-vehicle on a highway who is required by a constable or officer of the Provincial Police, by signals or otherwise, to stop the motor-vehicle or to permit its being searched for the purposes of this section, and who refuses or fails to stop the motor-vehicle or to

permit its being searched, shall be guilty of an offence against this Part. 1935, c. 31, s. 9 (*part*).

Burden of proof.

82. In any prosecution under this Part in respect of the operation of a motor-vehicle in the transportation of passengers or freight, proof of the fact that passengers or freight were being transported by the motor-vehicle on a highway shall be prima facie evidence that they were being so transported for compensation; and the burden shall be on the accused in all cases of proving that the motor-vehicle so operated is of a class or was being operated in a manner different from that alleged in the prosecution. 1935, c. 31, s. 9 (*part*).

SCHEDULE.

FEES.

(Section 69.)

Class of Vehicle.	Annual Licence Fee.	Annual Licence Fee.	Application Fee.	Renewal Fee.	Transfer Fee.
	For each Ton of Authorized Maximum Carrying Capacity of Freight.	For each Passenger of Authorized Maximum Carrying Capacity of Passengers.			
Public passenger-vehicles	----------	$3.00	$30.00	$7.50	$10.00
Public freight-vehicles	$16.00	----------	30.00	7.50	10.00
Limited passenger vehicles	----------	2.00	18.00	7.50	10.00
Limited freight-vehicles	8.00	----------	18.00	7.50	10.00
Private freight-vehicles	----------	----------	5.00	5.00	5.00

NOTE.—Above fees to include cost of licence-plates.

1935, c. 31, s. 10.

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